

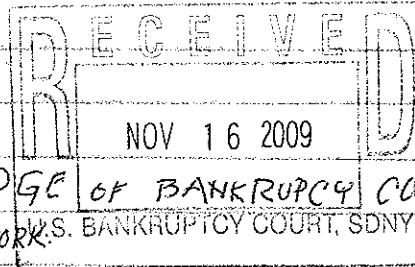
THIS IS A PROTEST OF THE DENIAL OF CLAIMROBERT F GAMMONS
38 Mill Hill Rd
Southport, CT 06890NOW KNOWN AS
BANKRUPTCY CASE # 1789

REFERENCE

BANKRUPTCY

CASE 08-1789 (BRL)

203-292-6163

TO: BURTON R. WILAND, HON. JUDGE OF BANKRUPTCY COURT.
OF SOUTHERN NEW YORK. U.S. BANKRUPTCY COURT, SDNY

YOUR HONOR,

I WOULD FIRST LIKE TO APOLOGIZE FOR THIS ^{DOCUMENTS} ~~DOCUMENTS~~ APPEARANCE. I AM IN MY 90TH YR. & MOSTLY BLIND. HENCE I CANNOT SEE TO READ OR SEE WHAT I WRITE. HOWEVER, I HAVE A BIG SCREEN THAT IS VERY HELPFUL, ALLOWING ME TO SEE ONE OR TWO WORDS AT A TIME. THIS MESSAGE IS USING THE BIG SCREEN NOW. TK YOU.

FIRST, I WOULD LIKE, YOUR HON. TO STATE THAT I AM NOT LOOKING FOR A HEARING AT THIS TIME BECAUSE THE MAIN ISSUE WITH THE TRUSTEE'S DENIAL IS CENTERED AROUND THE BIG QUESTION OF, "WHAT IS 'NET EQUITY' IN THIS CASE?" IF THE TRUSTEE'S INTERPRETATION HOLDS, COME FEBRUARY'S COURT ORDER, MY APPROACH, IF ANY, WILL BE ENTIRELY DIFFERENT. HENCE, I WOULD HOPE THE COURT WILL ISSUE A "HOLD" OR "A STAY" SO THAT MY HEARING WOULD OR WILL BE IN THE CONTEXTS OF THE FINAL DEFINITION OF "NET EQUITY".

I WILL, HOWEVER, INDICATE WHY I AM PROTESTING THE TRUSTEE'S DENIAL AS IT MIGHT, I BELIEVE, TO THINK A BIT TO SEE A REASON TO ISSUE A "HOLD" OR A "STAY" TO KEEP MY PROTEST ALIVE UNTIL THE DEFINITION OF "NET EQUITY" IS AVAILABLE.

THE TRUSTEE DID SAY THAT MY CLAIM, ALTHOUGH "DEAD" WITH A DENIAL, WILL BE RESURRECTED IF THE FINAL DEFINITION OF "NET EQUITY" VARIES FROM HIS INTERPRETATION AS APPLIED TO MY CLAIM. IT IS POSSIBLE THAT MY CLAIM COULD BE LOST AMONG THE MOUNTAINS OF PAPERS & FILES THAT GROUP HAS TO DEAL WITH. I WOULD BE MUCH LESS NERVOUS IF THIS OLD MAN ^(me) HAD ^{AN} ISSUED SOME THING PERTINENT LIKE A COURT ORDER. TK. YOU.

AS TO A PROPER FORMAT, THE TRUSTEE SAID "PROPER" FORMAT IS NECESSARY, BUT NEGLECTED TO DEFINE THE FORM OR WHERE I COULD FIND THE SPECIFICATIONS. BUT I AM ASSUMING A VERY BRIEF INDICATION OF THE ITEMS I OPPOSE, WITH A SIDE BY SIDE, VERY BRIEF REASON WHY I DISAGREE WILL FIT THE BILL. DETAILS AVAILABLE IN CASE OF NEED.

REASON

TRUSTEE READY FOR DENIAL	CUSTOMER(VICTIM) RESPONSE
1. "NO SECURITIES EVER PURCHASED"	"AGREED; HOWEVER, <u>NOT PERTINENT</u> , NO ONE KNEW THIS IN WASH., OR ALBANY, OR IN NY CITY!! SEC.??
2. "ALL PROFITS" REPORTED TO ME WERE "FICTICIOUS."	"DISAGREE." PROFITS WERE NEVER REPORTED TO ME. ONLY "MKT VALUE OF SECURITIES LISTED" WERE REPORTED. NO PROFITS WERE CLAIMED, NOT PERTINENT
3. TOTAL OF \$348,000 WITHDRAWN	"DISAGREED. WITHDRAWALS WERE CLOSER TO \$300,000. HOWEVER, THIS IS NOT PERTINENT AT THIS TIME. TRUSTEE PROBABLY USED MADDOFF FILES
4. "NO PROFITS" WERE REPORTED TO YOUR ACCT. HENCE, NO POSITIVE "NET EQUITY" WAS FORMED BEYOND THE DEPOSITS MADE.	"DISAGREED. ^{OTHER THAN "PROFITS" CAN INCREASE EQUITY} ^{RATHER THAN THE CUSTODIAN.} THINGS FOR EXAMPLES: GIFTS, CHARITABLE CONTRIBUTIONS, GOV'T GRANTS, PURCHASE OF NEW STOCK ISSUES BY OUTSIDERS. MADDOFF'S ADDONS WERE GIFTS TO HIS FAMILY; HE HAD TO LOOK "FAIR & SQUARE" IT WAS REAL MONEY, PER THE CUSTODIAN AND ITS BANK, TRUST INDUSTRIAL WHO WIRED THE MONEY IN. ^{THE} LAST 3-4 YRS. REAL MONEY.
5. MADDOFF PAID WITH OTHER PEOPLE'S MONEY.	"AGREED; HOWEVER, BANKS PAY OUT MONEY FOR A NEW MORTGAGE. MONEY IS FONGIBLE. THE MONEY PD TO THE MORTGAGEE MAY HAVE COME IN THE DAY BEFORE AS A SAVINGS ACCT CUSTOMER, NOT PERTINENT. THIS ITEM IS <u>NOT PERTINENT</u> .

NOTES FOR PREVIOUS ITEMS

- ITEM #1: "NO SECURITIES EVER PURCHASED (PER TRUSTEE). AGREED: BUT WHY BRING THIS UP? FOR 20 YRS OR SO. NOBODY BUT MADOFF ^{KNEW} THIS, OR SO THEY ALL SAY! 6 VISITS BY THE S.E.C. DID NOT REVEAL THIS FACT! WHY MAKE IT SOUND AS THOUGH I AM GUILTY OF SOMETHING IN NOT KNOWING THERE WERE NO STOCKS BOUGHT? WE ARE VICTIMS NOT "PERPS".

FURTHER, THE TRUSTEE GOES ON TO SAY THAT HIS DENIAL OF MY CLAIM DOES NOT ELIMINATE HIS RIGHTS AGAINST ME!!?

HE THEREBY TELLS ^{ME} MY CLAIM IS DEAD (EXCEPT FOR THE ISSUE OF "WHAT IS NET EQUITY"), BUT HE CAN RAISE MY CLAIM FROM THE DEAD AND ACCUSE ME OF SOMETHING NOT NOW REVEALED. VERY ONE-SIDED.

- ITEM #2 ("ALL PROFITS REPORTED TO ME WERE FICTICIOUS") HE DID NOT ~~SAY~~ PROFITS FROM WHAT. HE MAY MEAN PROFIT FROM MY DEPOSITS? BUT WHO KNOWS? IN ANY CASE, HIS PEOPLE APPARENTLY HAVE NOT STUDIED THE MADOFF REPORTS. NOWHERE DOES MADOFF USE THE WORD "PROFIT." HE MERELY STATES, "MKT. VALUE OF SECURITIES".

AS I SAY IN ITEM #2 PREVIOUSLY, MANY THINGS OTHER THAN PROFITS CAN ENHANCE "EQUITY". I STATE EXAMPLES ON PAGE 2, ITEM 2. MADOFF'S REPORTS VALUES STATEMENTS WERE * GIFTS TO FAMILY, & HE HAD TO DO THE SAME WITH US VICTIMS. GIFTS ENHANCE EQUITY EVERY TIME, ON ANY BAL. SHEET, AND THIS WAS REAL MONEY - NOT FICTICIOUS. "FICTICIOUS" MEANS NON-EXISTING. THIS MONEY I REC'D WAS REAL.

- TOTAL WITHDRAWAL WAS \$348,000. DISAGREE. THE CORRECT AMOUNT IS ABOUT \$300,000. F

APPARENTLY THE TRUSTEE'S PEOPLE USED MADOFF FILES. I RECEIVED MONEY ONLY FROM THE CUSTODIAN, FIZER SERV. INC.

BANK, TRUST INDUSTRIAL, REQUIRED BY LAW. NEVER FROM MADOFF. MADOFF AND FIZER DID EXCHANGE ERRORS, AND SOME CORRECTING CHECKS MAY HAVE CROSSED BETWEEN THEM, BUT MY FINANCIAL PICTURE CAME FROM 60 FIZER REPORTS. OVER 16 YRS, OF WHICH THE TRUSTEE HAS MADE 12 FULL YEAR REPORTS WITH ENDING BALANCES. - ANOTHER INDICATION IS THE TRUSTEE'S NUMBERS ON

CANT'D

THIS TABLE 1, INCLUDED HERE IN, IS THAT EVERY WITHDRAWAL IS LABELED WITH THE WORD "CHECK" (WITH NO IDENTIFICATION AS TO PAYER NOR PAYEE), WHERE ACTUALLY NO CHECK EXISTS BECAUSE, FOR THE LAST 2 OR 3 YRS, THE MONEY WAS WIRED TO ME. HOWEVER IT IS NOT IMPORTANT TO WORK OUT THE DETAILS. WHEN THE MEANING OF "NET EQUITY" IS KNOWN, IT IS TIME ENOUGH. (NOTE: THE TRUSTEE HAS THE 16 YRS OF PIZER FINANCIALS IN HIS FILE ON ME, IN FACT, I BELIEVE HE HAS TWO COPIES OF THE CUSTODIAL FILE COPIES (PIZER SERVICES, INC. IS FROM WHOM I RECEIVED ALL THE MADOFF MONEY, NOT FROM MADOFF.

- ITEM #4: "[...NO PROFITS...NO ENHANCED "NET EQUITY") DISAGREED. I THINK IT WAS ALL SAID ON THE PRIOR PAGES WITH THE VERY BRIEF STATEMENTS OF DISAGREEMENTS. BY ANYBODY'S ACCOUNTING SYSTEM, MORE ASSETS, AS A SOLE CHANGE, MEANS MORE EQUITY. IN AMERICAN G.A.P. SYSTEM (GENERALLY ACCEPTED ACCOUNTING PRACTICE) REQUIRES ALL TRANSACTIONS TO GO THRU THE P&L STATEMENTS BEFORE REACHING THE BALANCE SHEET. ^{GOES} PROFIT FROM P&L TO RETAINED EARNINGS WHICH INCREASES EQUITY. GIFTS, CONTRIBUTIONS, GRANTS WOULD ALL FOLLOW THIS ROUTE. MADOFF'S "VALUE INCREASES WERE GIFTS. THE TRUSTEE WOULD HAVE US BELIEVE THAT OUR ACCOUNTS ARE NO BETTER AFTER RECEIVING MONEY THAN BEFORE. HE LIKES TO STATE THE MONEY WAS "FICTICIOUS," NEVER REALLY THERE. HOWEVER, THE CUSTODIAN & ITS B/K ASSOCIATE CASHED MADOFF'S (REAL) B/P AND SENT TO ME WHERE ALL B/KS ACCEPTED THE MONEY AS REAL. HIS "FICTICIOUS" WORD MEANS THE MONEY, EVERYBODY USED, WAS NEVER THERE.

FOR ONE PART OF GOV'T THE MONEY WAS REAL & TAXABLE; FOR ANOTHER IT WAS NEVER THERE!

- ITEM #5: "MADOFF PAID WITH OTHER PEOPLE'S MONEY!" AGREED. HOWEVER, B/KS DO THIS ALL THE TIME AS A MATTER OF COMMON BUSINESS. A CUSTOMER COMES IN TODAY WITH MONEY FOR A SAVINGS ACCOUNT, AND TOMORROW THE SAME B/P GO OUT TO A MORTGAGEE TO BUY A HOUSE. OUR SOC. SEC. HAS DONE THIS SINCE LYNDON JOHNSON STARTED THE PRACTICE. SOC. SEC. WILL HAVE ITS BIG PROBLEM IN 2-3 YRS. - OUTPUT WILL EXCEED INPUT!

WHY DOES THE TRUSTEE MAKE IT SOUND AS THOUGH WE VICTIMS HAVE CAUSED ALL THE PROBLEMS? MADOFF IS THE PROBLEM FIRST.

BUT WASH., ALBANY, AND N.Y. CITY WERE THE SECONDARY PROBLEMS. WE PAID THEM TO AUDIT, WATCH, & INVESTIGATE. FOR EX. THE SEC. SHOULD HIDE!

SUMMARY

THIS IS A SUMMARY OF THE "PROTEST" OF THE TRUSTEE'S DENIAL
OF MY CLAIM IN THE MATTER
OF BANKRUPTCY CASE #1789(BRL)-MADOFF

YOUR HONOR:

I REPEAT THAT I AM NOT SEEKING A HEARING AT THIS TIME
BECAUSE THE BASIC MATTER IS THE DEFINITION OF "NET EQUITY".
IF THE COURT ACCEPTS THE TRUSTEE'S INTERPRETATION, THERE WILL BE
NOTHING WE SMALL INVESTERS, WITH I.R.A.'S, CAN DO. WE FOLLOWED THE
OF REQUIRED WITHDRAWALS & FULL TAXATION OF THE WITHDRAWALS ONLY TO BE TOLD
THAT WE WITHDREW "FICTITIOUS" MONEY AND PAID TAXES ON "FICTITIOUS" MONEY.
HENCE, A "STAY" OR "HOLD" KIND OF LETTER OR ORDER AT THIS TIME WOULD AT LEAST AS-
SURE THAT MY CLAIM WON'T GET LOST WHEN THE FEBRUARY DECISION HAS BEEN
REACHED IN FEBRUARY. THANK YOU FOR YOUR CONSIDERATION OF THIS PICKLE WE ARE ALL IN.

MY REASONING FOR REVEALING MY VIEWPOINT ^{THIS} AT A TIME WAS SO THAT MORE TIME TO
THINK OF POINTS OF VIEW, WHICH CAN BE SUMMARIZED AS FOLLOWS: THE DEPOSITS TO
MY ACCOUNT FROM MADOFF WERE MADE WITH REAL MONEY WHICH DID INCREASE MY AC-
COUNT'S NET EQUITY. MY WITHDRAWALS & TAXES PAID WERE BY THE LAW OF THE LAND AS TO
INDIVIDUAL RETIREMENT ACCOUNTS (I.R.A.'S). HENCE, THE "OUTSTANDING" BALANCE IN MY AC-
COUNT OF \$297,000 SHOULD BE PAID TO ME, MAINLY BECAUSE SIRCO WAS AND IS AN INSURANCE
UP TO \$500,000. I HELPED PAY FOR SIRCO'S EXISTENCE AS WE ALL DID. TRYING TO PREVENT
AN INSURANCE PAY OUT IS PROBABLY ONE OF THE TRUSTEE'S DUTIES, AS IS SOME
OF THE PEOPLE IN PRIVATE INSURANCE COMPANIES.

RESPECTFULLY YOURS,

Robert F. Gimmans

ATTACHMENTS: COPY OF TRUSTEE'S DENIAL LETTER WITH "TABLE 1" OF HIS
COPY OF MY FINANCIAL NUMBERS OBTAINED FROM FIZER SERIES REPORTS
116 PAGES OF FIZER FINANCIAL END OF YEAR REPORTS ARE IN THE TRUSTEE'S FILE.

NOTICE FROM TRUSTEE OF BLMIS LIQUIDATION

BERNARD L. MADOFF INVESTMENT SECURITIES LLC

In Liquidation

DECEMBER 11, 2008

NOTICE OF TRUSTEE'S DETERMINATION OF CLAIM

October 19, 2009

To: → Robert F Gammons (IRA)
38 Mill Hill Road
Southport, Connecticut 06890

Dear Mr. Gammons (IRA):

PLEASE READ THIS NOTICE CAREFULLY.

The liquidation of the business of BERNARD L. MADOFF INVESTMENT SECURITIES LLC ("BLMIS") is being conducted by Irving H. Picard, Trustee under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq. ("SIPA"), pursuant to an order entered on December 15, 2008 by the United States District Court for the Southern District of New York.

The Trustee has made the following determination regarding your claim on BLMIS Account No. 1ZR138 designated as Claim Number 8859:

Your claim for a credit balance of \$297,037.80 and any claim for securities is **DENIED**. No securities were ever purchased for your account.

Further, based on the Trustee's analysis, the amount of money you withdrew from your account at BLMIS (total of \$348,660.93), as more fully set forth in Table 1 annexed hereto and made a part hereof, is greater than the amount that was deposited with BLMIS for the purchase of securities (total of \$161,042.24). As noted, no securities were ever purchased by BLMIS for your account. (Any and

¹ Section 78111(7)(B) of SIPA states that the filing date is "the date on which an application for a protective decree is filed under 78ccc(a)(3)," except where the debtor is the subject of a proceeding pending before a United States court "in which a receiver, trustee, or liquidator for such debtor has been appointed and such proceeding was commenced before the date on which such application was filed, the term 'filing date' means the date on which such proceeding was commenced." Section 78111(7)(B). Thus, even though the Application for a protective decree was filed on December 15, 2008, the Filing Date in this action is on December 11, 2008.

↓ all profits reported to you by BLMIS on account statements were fictitious.

Since there were no profits to use either to purchase securities or to pay you any money beyond the amount that was deposited into your BLMIS account, the amount of money you received in excess of the deposits in your account (\$187,618.69) was taken from other customers and given to you. Accordingly, because you have withdrawn more than was deposited into your account, you do not have a positive "net equity" in your account and you are not entitled to an allowed claim in the BLMIS liquidation proceeding. Therefore, your claim is **DENIED** in its entirety.

Should a final and unappealable court order determine that the Trustee is incorrect in his interpretation of "net equity" and its corresponding application to the determination of customer claims, the Trustee will be bound by that order and will apply it retroactively to all previously determined customer claims in accordance with the Court's order. Nothing in this Notice of Trustee's Determination of Claim shall be construed as a waiver of any rights or claims held by you in having your customer claim re-determined in accordance with any such Court order.

Nothing in this Notice of Trustee's Determination of Claim shall be construed as a waiver of any rights or claims held by the Trustee against you.

PLEASE TAKE NOTICE: If you disagree with this determination and desire a hearing before Bankruptcy Judge Burton R. Lifland, you **MUST** file your written opposition, setting forth the grounds for your disagreement, referencing Bankruptcy Case No. 08-1789 (BRL) and attaching copies of any documents in support of your position, with the United States Bankruptcy Court and the Trustee within **THIRTY DAYS** after October 19, 2009, the date on which the Trustee mailed this notice.

PLEASE TAKE FURTHER NOTICE: If you do not properly and timely file a written opposition, the Trustee's determination with respect to your claim will be deemed confirmed by the Court and binding on you.

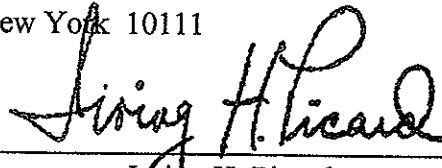
PLEASE TAKE FURTHER NOTICE: If you properly and timely file a written opposition, a hearing date for this controversy will be obtained by the Trustee and you will be notified of that hearing date. Your failure to appear personally or through counsel at such hearing will result in the Trustee's determination with respect to your claim being confirmed by the Court and binding on you.

PLEASE TAKE FURTHER NOTICE: You must mail your opposition, if any, in accordance with the above procedure, to each of the following addresses:

Clerk of the United States Bankruptcy Court for
the Southern District of New York
One Bowling Green
New York, New York 10004

and

Irving H. Picard, Trustee
c/o Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111


Irving H. Picard

Trustee for the Liquidation of the Business of
Bernard L. Madoff Investment Securities LLC

cc: NTC & Co., FBO Robert F Gammons
PO Box 173859
Denver, Colorado 80217

THESE NUMBERS CAME FROM THE TRUSTEE ABOUT 10/28/2009

Table 1		
DEPOSITS		
DATE	TRANSACTION DESCRIPTION	AMOUNT
12/30/1992	CHECK	\$118,852.17
12/18/1996	CHECK	\$7,024.46
12/23/1997	CHECK	\$10,165.61
1/5/2005	CHECK	\$25,000.00
Total Deposits:		\$161,042.24
WITHDRAWALS		
DATE	TRANSACTION DESCRIPTION	AMOUNT
11/22/1993	CHECK	(\$3,000.00)
12/6/1995	CHECK	(\$6,000.00)
9/30/1996	CHECK	(\$7,000.00)
10/3/1996	CHECK	(\$7,000.00)
9/12/1997	CHECK	(\$8,500.00)
12/4/1997	CHECK	(\$10,160.93)
10/6/1998	CHECK	(\$12,000.00)
4/21/1999	CHECK	(\$10,000.00)
9/1/1999	CHECK	(\$20,000.00)
3/21/2000	CHECK	(\$15,000.00)
11/16/2000	CHECK	(\$15,000.00)
11/2/2001	CHECK	(\$20,000.00)
10/29/2002	CHECK	(\$30,000.00)
11/26/2003	CHECK	(\$5,000.00)
11/17/2004	CHECK	(\$25,000.00)
12/10/2004	CHECK	(\$25,000.00)
12/5/2005	CHECK	(\$30,000.00)
11/27/2006	WIRED CHECK	(\$30,000.00)
11/27/2007	WIRED CHECK	(\$35,000.00)
11/20/2008	WIRED CHECK	(\$35,000.00)
Total Withdrawals:		(\$348,660.93)
Total deposits less withdrawals:		(\$187,618.69)

AGREE

WHO WAS
PAYER &
PAYEE

DISAGREE

DISAGREE

NOTE BY R.F.GAMMONS - CLAIMANT: IT IS PROBABLE THAT THE ABOVE CAME FROM MADOFF FILES WHERE MY NUMBERS COME FROM THE CUSTODIAN, FIZER RETIREMENT SERVICES, NOT FROM MADOFF DIRECTLY. I NEVER RECEIVED A CHECK DIRECTLY FROM MADOFF, BUT ONLY FROM A CUSTODIAN AS REQUIRED BY LAW AS I INVESTED I.R.A. MONEY. FOR EXAMPLE, THE ABOVE SHOWS A "CHECK", WHEN I REC'D MONEY IN TWO OR THREE YEARS BY WIRE TRANSFER ??!!

ADDED 10/30/2009 R.F.GAMMONS

ORIGINAL
MADOFF
LIQUIDATION

Pg 10 of 10
COURT REPORT, CT 00330

PREPARED APRIL
2009

203-292-6163
203-216-6685 (CELL)

SUMATION OF FIZER SERVICES, INC. (CUSTODIAN) YR. END BALANCES & WITHDRAW.

YR. ENDING	WITHDRAWALS	BALANCE AT YR. END	COMMENTS
1992	0	AT LEAST 118,862	EXH "B" ORIGINAL SEE EXH "B"
93	11,653	NC YR. END ?	FOR THESE TWO YEARS, THE WITHDRAWALS CAME FROM TAX FILINGS. - SEE EXH "D" FOR '93 & '94.
94	10,179	REPORTS ?	1995 WAS THE YR. AVELINO WAS CLOSED & ACCOUNT MOVED DIRECTLY TO MAD.
95	ZERO	FOR 1992 TO 1995	
96	7,000	191,025	
97	8,500	216,300	
98	12,000	242,700	FROM 1996
99	30,000	255,337	ON
2000	30,000	257,040	DOWN,
2001	20,000	270,836	
2	30,000	276,195	
3	5,000	297,723	
4	25,000	278,117	ALL FROM
5	30,000	296,584	FIZER - EXH "D" BY THE YR
6	30,000	310,135	REPORTS
7	35,000	307,722	
2008	35,000	297,038	
		319,332	

SOURCE: COMPLET FILE OF CUSTODIAN FIZER SERVICES, INC.